

Subject: Urgent call to address issues highlighted by Commission services on access to in-vehicle data

Dear Commissioner Breton,

I am contacting you on the subject of access to in-vehicle data, functions and resources, which requires sector-specific legislation to ensure free competition of services, protect consumers and guarantee effective control of the market.

For several years now, BEUC has been advocating in favour of a dedicated legislative action on this issue. The need for a specific framework on access to car data is backed by robust evidence showing that horizontal legislation, such as the Data Act, is not sufficient to guarantee a fair access to car generated data. This was already the clear conclusion of the studies carried out by the consultants (TRL) on behalf of the Commission in 2017 and 2021. More importantly, the draft impact assessment, as presented by the DG GROW services last December, also reached the same conclusion.

All the studies therefore point in the same direction to guarantee the general interest over and above the particular interests of car makers and tech giants that undermine the proper functioning of the market, to the detriment of consumers. Today, as the Commission is still debating about the launch of a specific legislative initiative, we are worried that these studies and analyses could be swept aside. **Good governance requires respect for the analyses commissioned by the Commission with taxpayers' resources and the adequacy of these analyses for the political decision.**

In our view, the following concerns need particular attention:

- The imposition of technical barriers by car makers does not only affect B2B relations but have negative impacts on consumers. For example, because of these strong technical barriers, independent car repairers or service providers cannot get access to the data they need. Concretely, without secured access via another means than the digital one, independent workers will have to buy several access rights for each brand, making interbrand repair and services practically impossible. The Data Act principles are insufficient in this regard. Moreover, it does not regulate the relation between the service provider and the data holder, the timeframe to get access or the reporting requirement for car makers on how they make the data available.
- Concerns also arise regarding interaction between the car and consumers, and how the latter are being nudged into specific services with restricted choice. This is particularly relevant for connected and electric vehicles. Last year, we [described](#) the main issues that will arise if no sector-specific legislation were to be adopted.

.../...

- We need stricter rules regarding information to consumers prior to the purchase of a vehicle, notably regarding the data gathered by the vehicle and the software operating in it, or the technical solutions offered to consumers for giving their consent to competing services. Access to cars' functions and resources are not covered by the Data Act.

I urge you to consider the impact assessment presented by DG GROW services and to ensure the rapid adoption of specific legislation for the sector.

I remain at your disposal to discuss the matter further.

Yours sincerely,

Monique Goyens
Director General

C/c :

Mr Daniel Mes/Cabinet Timmermans
Mr Filip-Alexandru Negreanu-Arboreanu & Ms Charlotte Norlund-Matthiessen/Cabinet Valean
Ms Lucie Rousselle/Cabinet Reynders
Ms Caroline Boeshertz/Cabinet Dombrovskis
Ms Ida-Maria Fallesen & Mr Werner Stengg/Cabinet Vestager